

FILED

1  
2 SHAHIDA ALI  
3 688 FEATHERWOOD DRIVE  
4 DIAMOND BAR, CA 91765  
5 Pro Per

2010 JUN -4 PM 2:37

CLERK OF DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
LOS ANGELES

BY \_\_\_\_\_

6 UNITED STATES DISTRICT COURT  
7 CENTRAL DISTRICT OF CALIFORNIA- WESTERN DIVISION

9 SHAHIDA ALI,

10 Plaintiff,

11 -VS-

12 DOWNEY SAVINGS AND LOAN;  
13 CENTRAL MORTGAGE COMPANY;  
14 DEUTSCHE BANK NATIONAL TRUST  
COMPANY; and DOES 1-100, Inclusive

15 Defendants.  
16  
17  
18

) Case No.: CV10-3798 GAF (FMOx)

) Los Angeles County Case No.: KC058246

)  
) **SHAHIDA ALI, PLAINTIFF,**  
) **OPPOSITION TO NOTICE OF**  
) **REMOVAL BY DEFENDANTS**  
) **CENTRAL MORTGAGE COMPANY,**  
) **AND DEUTSCHE BANK NATIONAL**  
) **TRUST COMPANY.**

19  
20 **TO THE CLERK OF THE ABOVE-ENTITLED COURT:**

21 **PLEASE TAKE NOTICE** that Plaintiff, Shahida Ali ("Plaintiff" herein) does hereby oppose  
22 the removal of the above entitled actions to this Court herein.

23 1. On March 15, 2010, an action was commenced in the Superior Court, Los Angeles  
24 County, California entitled Shahida Ali, Plaintiff vs. Downey Savings and Loan, Central  
25 Mortgage Company, and Deutsche Bank National Trust Company, Case No. KC058246, of  
26 which Defendants, Central Mortgage Company and Deutsche Bank National Trust Company are  
27 only mentioned in this request for removal (*Please refer to Defendant's Notice of Removal,*  
28 *Exhibit "A"*).

1       2. On April 19, 2010, Defendant DEUTSCHE BANK NATIONAL TRUST COMPANY  
2 was properly served the original complaint where an Authorized Agent of Deutsche Bank. The  
3 Authorized Agent, Suzanne Patten, was confirmed with Angeles Legal Services and Deutsche  
4 Bank on April 19, 2010, when an Agent in Deutsche Bank at the headquarters of New York.  
5 (*Exhibit "B"*).

6       3. All Defendants have been properly served in this case as Angeles Legal Service properly  
7 served all Defendants by physically handing the complaint to an authorized agent of each  
8 Defendant. (*Exhibit "C"*).

9       4. Plaintiff brings this complaint knowing that the Defendants acted improperly in the  
10 origination and servicing of a mortgage loan secured by the real property 688 Featherwood  
11 Drive, Diamond Bar, California 91765 (the "Subject Property").

12       5. Defendants failed to disclose relevant information concerning the details and the  
13 origination of the loan secured by Subject Property.

14       6. Defendants have violated Business and Professions Code § 17200, and California Civil  
15 Codes §§ 2923.5, 2923.6, 2924, 1788.17.

16       7. Defendants are not entitled to remove this action to Federal Court since Defendants are in  
17 Default with the original court, not giving them authority to remove the complaint herein  
18 due to Default Judgment.

19       8. Defendant's notice of removal compromises proper jurisdiction as determined from the  
20 pleadings, which Plaintiff, herein does not seek relief under Federal Law.

21       9. Defendant's removal petition was untimely. A notice of removal of a civil action must be  
22 filed within 30 days after receipt of a copy of the initial pleading (*28 USC § 1446[b]*).

23       Defendant's were served on April 19, 2010 giving them the authority to remove until  
24 May 19, 2010. Defendants removal petition was filed on May 20, 2010, after the 30 days.

25       10. Under *28 U.S.C. § 1446(b)* a notice of removal may be filed within 30 days after receipt  
26 by the defendant of a copy of an amended pleading, motion, order, or other paper from  
27 which it may first be ascertained that the case is or has become removable. Defendants  
28 failed to file within the 30 days.

11. As the district court observed, 28 U.S.C. § 1446(a) has been construed to require that, in cases involving multiple defendants, all defendants must unanimously consent to removal, regardless of whether the removing defendants rely on federal question or diversity jurisdiction.

The district court stated:

Courts in the Third Circuit have found that, in order to properly effectuate removal to federal court, each defendant need not sign the original notice of removal, but are required to file timely ... written indication from each defendant, or some person or entity purporting to formally act on its behalf in this respect and to have authority to do so, that it has actually consented to such action. *Ogletree v. Barnes*, 851 F.Supp. 184, 188 (E.D.Pa.1994) (quoting *Getty Oil, Div. of Texaco, Inc. v. Ins. Co. of North Am.*, 841 F.2d 1254, 1262 n. 11 (5th Cir.1988)).

Defendants have not received any consent from Downey Savings and Loan, now U.S. Bank, giving them the authority to remove to Federal Court.

12. Defendant, Deutsche Bank National Trust Company was properly served and received notice on April 19, 2010. Deutsche Bank National Trust Company may have sent the complaint to Defendant's counsel when they deemed appropriate, making the service on April 19, 2010 valid, compliant, and correct. All Defendants named within the complaint were properly served, making each Defendant responsible in contacting their representing counsel upon receipt of the complaint.

13. Defendants did not receive any authorization from Downey Savings and Loan, now U.S. Bank, for removing the complaint to the above mentioned Court.

14. In summation:

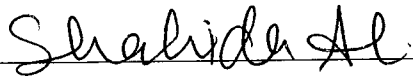
- a. Defendants are in Default with the Superior Court of California, County of Los Angeles, not giving them authority to remove the case to Federal Court.
- b. Defendants did not file this removal on time, within the 30 day time frame, making their Notice of Removal invalid.
- c. Defendants did not consent with Co-Defendant Downey Savings and Loan,

now U.S. Bank, in removing to Federal Court.

15. In addition, Plaintiff received the Notice of Removal on May 30, 2010. Defendants purported to send this complaint in an untimely fashion making it unfair to limit Plaintiff's opportunity to respond. (*See Declaration of Shahida Ali*).

16. A true and correct copy of this opposition to Defendants Notice of Removal will be filed with the Superior Court of California, County of Los Angeles.

Dated: June 04, 2010

  
**SHAHIDA ALI**  
**PLAINTIFF**

# **EXHIBIT “B”**

POS-010

<b>ATTORNEY OR PARTY WITHOUT ATTORNEY:</b> Shahida Ali Shahida Ali 688 Featherwood Dr. Diamond Bar, CA 91765  <b>TELEPHONE NO.:</b>  <b>ATTORNEY FOR:</b>	<b>FOR COURT USE ONLY</b>  <b>ORIGINAL FILED</b> <b>MAY 12 2010</b> <b>LOS ANGELES</b> <b>SUPERIOR COURT</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> <b>STREET ADDRESS:</b> 400 Civic Center Plaza <b>CITY AND ZIP CODE:</b> Pomona, 91766 <b>BRANCH NAME:</b> Pomona ( Unlimited )	
<b>PLAINTIFF:</b> Shahida Ali <b>DEFENDANT:</b> Downey Savings and Loans, Central Mortgage Company, Deutsche Bank National Trust Company.	<b>CASE NUMBER:</b> KC 058246 H
<b>PROOF OF SERVICE OF SUMMONS</b>	<b>Ref. No. or File No.:</b>

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
  - f. other (specify documents):  
 Summons, Complaint, Civil Case Cover Sheet, Civil Case Cover Sheet Addendum, ADR Information Package.
3. a. **Party served:**  
 Deutsche Bank National Trust Company
  - b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made):  
 Suzanne Patten / Authorized Agent
4. **Address where the party was served:**  
 1761 E. Saint Andrew Pl., Santa Ana, CA 92705
5. I served the party
  - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party on 4/19/2010 at 4:25 pm
6. The "Notice to the Person Served" (on the summons) was completed as follows:
  - d. On behalf of: Deutsche Bank National Trust Company  
 under the following Code of Civil Procedure section:  
 415.95 (business organization, form unknown)
7. **Person who served papers**
  - a. **Name:** J. Hernandez  
**Firm:** Angeles Legal Services
  - b. **Address:** 10808 Foothill Blvd., Suite # 160, Rancho Cucamonga, CA 91730
  - c. **Telephone number:** (909) 821-0984
  - d. **The fee for the service was:** \$55.00
  - e. I am:
    - (3) a registered California process server:
      - (i) independent contractor
      - (ii) Registration No.: 1208
      - (iii) County: Riverside

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<b>PLAINTIFF:</b> Shahida Ali	<b>CASE NUMBER:</b>
<b>DEFENDANT:</b> Downey Savings and Loans, Central Mortgage Company, Deutsche Bank National Trust Company.	KC 058246 H

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 5/10/10

J. Hernandez  
(NAME OF PERSON WHO SERVED PAPERS)

  
(SIGNATURE)

**EXHIBIT “C”**



POS-010

<b>ATTORNEY OR PARTY WITHOUT ATTORNEY:</b> Shahida Ali Shahida Ali 688 Featherwood Dr. Diamond Bar, CA 91765  <b>TELEPHONE NO.:</b>  <b>ATTORNEY FOR:</b>	<b>FOR COURT USE ONLY</b>  <b>ORIGINAL FILED</b> <b>MAY 12 2010</b> <b>LOS ANGELES</b> <b>SUPERIOR COURT</b>  <i>31 FAX 2105</i>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> <b>STREET ADDRESS:</b> 400 Civic Center Plaza <b>CITY AND ZIP CODE:</b> Pomona, 91766 <b>BRANCH NAME:</b> Pomona ( Unlimited )	
<b>PLAINTIFF:</b> Shahida Ali <b>DEFENDANT:</b> Downey Savings and Loans, Central Mortgage Company, Deutsche Bank National Trust Company.	<b>CASE NUMBER:</b> KC 058246 H
<b>PROOF OF SERVICE OF SUMMONS</b>	<b>Ref. No. or File No.:</b>

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:  
     f. other (specify documents):  
     Summons, Complaint, Civil Case Cover Sheet, Civil Case Cover Sheet Addendum, ADR Information Package.
3. a. Party served:  
     Downey Savings and Loan  
     b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made):  
     Judy Wong / Authorized Agent
4. Address where the party was served:  
     1 California St., San Francisco, CA 94111
5. I served the party  
     a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party on 5/11/2010 at 12:30 pm
6. The "Notice to the Person Served" (on the summons) was completed as follows:  
     d. On behalf of: Downey Savings and Loan  
     under the following Code of Civil Procedure section:  
     415.95 (business organization, form unknown)
7. Person who served papers  
     a. Name: A. Esquer  
     Firm: Angeles Legal Services  
     b. Address: 10808 Foothill Blvd., Suite # 160, Rancho Cucamonga, CA 91730  
     c. Telephone number: (909) 821-0984  
     d. The fee for the service was: \$95.00  
     e. I am:  
         (3) a registered California process server:  
             (i) independent contractor  
             (ii) Registration No.: 1009  
             (iii) County: San Francisco

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PLAINTIFF: Shahida Ali DEFENDANT: Downey Savings and Loans, Central Mortgage Company, Deutsche Bank National Trust Company.	CASE NUMBER: KC 058246 H
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8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 05-11-10

A. Esquer

(NAME OF PERSON WHO SERVED PAPERS)



(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY <b>SHAHIDA ALI</b> 688 FEATHERWOOD DR 91765 TELEPHONE NO.: (917) 688-9176 ATTORNEY FOR:	FOR COURT USE ONLY  <b>ORIGINAL FILED</b>  MAY 20 2010  <b>LOS ANGELES SUPERIOR COURT</b>
<b>ORIGINAL AFFIDAVIT</b>  SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES 400 CIVIC CENTER PLAZA POMONA CA 91766	
PLAINTIFF: SHAHIDA ALI DEFENDANT: DOWNEY SAVINGS AND LOAN; CENTRAL MORTGAGE COMPANY; DEUTSCHE BANK NATIONAL TRUST COMPANY; AND DOES I- 100, INCLUSIVE	CASE NUMBER: K C058246 H
PROOF OF SERVICE	Ref. No. or File No.:

- I am over 18 years of age and not a party to this action.
- Received by ACTION PROCESS SERVICE to be served on CENTRAL MORTGAGE COMPANY, AT: 801 JOHN BARROW, STE. #1, LITTLE ROCK, AR 72205.
- Central Mortgage Company by serving the President: Bill Roehrenbeck at the  
work address provided.
- Date and Time of service: 5-12-2010 3:55 pm
- Description of Person Served: Age: , Sex: , Race/Skin Color: , Height: , Weight: , Hair: , Glasses:  
59 m White 5'9" 170 Gray N
- My name, address, telephone number, and, if applicable, county of registration and number are:  
 Name: CHUCK (CHARLES) GORDON-  
 Firm: ACTION PROCESS SERVICE  
 Address: 3215 Laredo Drive, Little Rock, AR 72206  
 Telephone number: (501) 888-5706  
 The fee for the service was:
- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

CHUCK (CHARLES) GORDON

(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)

(SIGNATURE OF PERSON WHO SERVED THE PAPERS)

Served Bill Roehrenbeck, President, at work place provided.